

REMARKS/ARGUMENTS

In view of the following remarks, favorable reconsideration of the pending claims is requested.

Status of the Claims

Claims 1-4, 6, and 8-16 are pending.

Prior Art Rejections

Claims 1-4, 6 and 12-14 and 16 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,986,576 to Armstrong in view of U.S. Patent No. 3,899,891 to Kelly et al., and in further view of U.S. Patent Publication No. 2002/0067290 to Peet, II et al. Claim 8 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Armstrong, Kelly, Peet, and in further view of U.S. Patent No. 5,675,956 to Nevin. Claims 9-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Armstrong, Kelly, Peet, and in further view of U.S. Patent No. 5,340,069 to Niemeyer. Claim 15 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Armstrong, Kelly, Peet, and in further view of U.S. Patent Publication No. 2006/0152775 to Clauberg.

Applicant respectfully traverses the rejections herein.

In the rejections, the Examiner asserts that it would be obvious to modify the portable traffic control light of Armstrong in view of Peet to provide a light signaling device in which the light is attached at an operatively upper end of the pole between two interengagable sections. Applicant respectfully disagrees.

First, Peet does not disclose or suggest a light attached between two interengagable sections, and therefore does not cure the deficiencies of either Armstrong or Kelly. Rather, and contrary to the Examiner's assertions, the warning light described in Peet consists of a series of laterally extending light blocks that each include a light 111 as an integral part of the block. See, for example, FIG. 3, which clearly shows the light as being an integral part of the light block. As such, it is quite evident that the light is not disposed between two interengagable sections as

recited in Claim 1. Thus, even as combined, the combination of Armstrong, Kelly and Peet fails to disclose or suggest each and every element of Claim 1.

Further, one of ordinary skill in the art would not look to the teachings of Peet for guidance in constructing a light warning system, such as the one described in Armstrong and Kelly. The light described in Armstrong is constructed as a vertical pole with the light traffic light system being disposed at the upper end thereof. In sharp contrast, the system of Peet is assembled in a lateral array. See, for example, FIGS. 1, 2, and 9. Such a system would be inappropriate for the traffic light system described in Armstrong where it is critically important to elevate the light so that motorists are able to see the traffic signals. Applicant notes that FIGS. 5 5A-5C generally show systems in which lights are stacked on top of each other. However, such arrangements still include light blocks arranged laterally of each, and would not be appropriate for traffic light system, such as the one of Armstrong, for the same reasons given above. Accordingly, one of ordinary skill in the art in developing a portable traffic light system would not look to the warning light system of Peet. Thus, the proposed modification of Armstrong in view of Peet is inappropriate. Withdrawal of the rejections is requested.

In view of the foregoing remarks, Applicant submits that the rejections under 35 U.S.C. § 103(a) have been overcome.

Conclusion

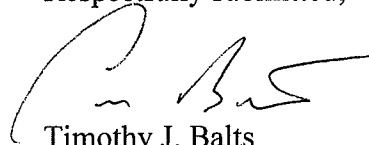
Based on the above amendments and remarks, Applicant respectfully submits that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

Appl. No.: 10/596,309
Amdt. dated 06/09/2011
Reply to Office Action of 12/09/2010

therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy J. Balts', is written over a horizontal line.

Timothy J. Balts
Registration No. 51,429

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON JUNE 9, 2011.